IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 200 of 1998

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE
==
1. Whether Reporters of Local Papers may be allowed   : NO
   to see the judgements?

2. To be referred to the Reporter or not?   : NO

3. Whether Their Lordships wish to see the fair copy   : NO
   of the judgement?

4. Whether this case involves a substantial question   : NO
   of law as to the interpretation of the Constitution
   of India, 1950 of any Order made thereunder?

5. Whether it is to be circulated to the Civil Judge?   : NO

   SATISHBHAI HIMMATBHAI RATHAWA
Versus
   STATE OF GUJARAT

   Appearance:
       MR IS SUPEHIA for Petitioner
       MS KN VALIKARIMWALA for Respondent No. 1

   CORAM : MR.JUSTICE S.K.KESHOTE
   Date of decision: 28/06/1999

ORAL JUDGEMENT

   #. Heard the learned counsel for the petitioner.

   #. This is clearly a case where an attempt has been made
   by petitioner to get compassionate appointment as a
   matter of course or right.   The ground given by the
   respondents for rejecting the application of the
   petitioner for giving him appointment on compassionate

grounds may not be correct but the learned counsel for the petitioner does not dispute that name of the elder brother of the petitioner was there in the ration card of the father. He got his name deleted from the ration card only in the year 1993. So in view of this fact, it is clear that in the family of the deceased, one earning member was there. The learned counsel for the petitioner does not dispute that the elder brother of the petitioner was in service on the relevant date with Gujarat Electricity Board.

#. Otherwise also, the claim of the petitioner for compassionate appointment has been rejected in the year 1994. Now we are in the year 1999. After more than nine years of the death of the father, it is too difficult to accept and believe that the family would have been in financial crises or distress.

#. This writ petition fails and the same is dismissed. Rule discharged. No order as to costs.

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[sunil]